UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1150
12 April 1996

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE 1150th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 March 1996, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Draft concluding observations of the Committee concerning the Russian Federation, Hungary and Finland

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-15577 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Draft concluding observations of the Committee concerning the Russian Federation (Rev. 1) (document distributed at the meeting in English only)

Paragraphs 1-3

1. Paragraphs 1-3 were adopted.

Paragraph 4

2. Mr. de GOUTTES, referring to the last sentence, said that it would be preferable to take note of the two regional human rights conventions recently drafted in the framework of the Commonwealth of Independent States (CIS) rather than describe their adoption as a positive initiative, since there might be a conflict between those conventions and the European Convention on Human Rights to which the Russian Federation would accede in the near future, following its admission to membership of the Council of Europe.

3. Mr. WOLFRUM said that the drafting of a human rights convention was always positive, whether or not it conformed entirely to the European Convention on Human Rights.

4. The CHAIRMAN proposed that the words "is also a positive initiative" should be replaced by the words "is appreciated".

5. Paragraph 4, as amended, was adopted.

Paragraph 5

6. Mr. DIACONU proposed the deletion of the second half of the second sentence, reading: "and that the breakdown in 1991 of the Union of Soviet Socialist Republics had a major impact on all minorities and indigenous groups living in these regions", since it was not very clear what impact was being referred to.

7. Mr. Diaconu's proposal was adopted.

8. Mr. DIACONU also proposed the deletion of the penultimate sentence, reading: "In respect of the members of the latter groups [who are dispersed all over the country], the full implementation of the Convention may be more difficult to achieve."

9. Mr. WOLFRUM said that it was important to stress, as the Council of Europe had done, that, because they were dispersed, persons belonging to those groups needed different protection from that available to members of minorities living together in the same region or the same republic. However, the end of the sentence could be amended to read: "... may require particular efforts".

10. Mr. Wolfrum's proposal was adopted.

11. Paragraph 5, as amended, was adopted.

Paragraphs 6-10

12. Paragraphs 6-10 were adopted.

Paragraph 11

13. Mr. YUTZIS said that the first sentence of the paragraph raised a substantive problem. The sentence read: "The increase in nationalist and racist statements associated with the establishment of associations and political parties that promote racist or nationalistic objectives such as the National Republican Party, is of grave concern." He considered that, although nationalism and racism sometimes went together, it should not be implied that every national policy was necessarily racist. The defence of national interests, particularly in the context of the international market economy, had little in common with racism.

14. Mr. WOLFRUM said that the paragraph dealt with problems which were specific to the Russian Federation and with racist associations and political parties, in particular the National Republican Party in the eyes of which nationalist and racist ideas were one and the same, as had been amply demonstrated during the discussion with the delegation of the Russian Federation.

15. Mr. DIACONU endorsed Mr. Yutzis' views and said that nationalism in itself was neither good nor bad and that it could pursue laudable goals.

16. Mr. YUTZIS proposed that the sentence in question should be worded to read: "The increase in the number of nationalistic attitudes associated with racist statements which are themselves associated with the establishment of political parties of a racist nature is of great concern."

17. Mr. de GOUTTES proposed that the phrases "nationalistic attitudes" and "racist statements" should be reversed and the word "nationalistic" replaced by "ultranationalist".

18. Mr. WOLFRUM said that the use of the word "ultranationalist" would imply that racist attitudes associated with "nationalist" movements were permitted. Further, a distinction should be made between the adjective "national" and the adjective "nationalist", which always implied an idea of superiority over other peoples. He would be prepared to support Mr. Yutzis' proposal.

19. The CHAIRMAN proposed that the sentence should be reworded to read: "The increase in racist positions associated with nationalist movements such as the National Republican Party is of great concern."

20. Paragraph 11, as amended, was adopted.

Paragraphs 12-18

21. Paragraphs 12-18 were adopted.

Paragraph 19

22. Mr. YUTZIS said that the paragraph posed the same problems as paragraph 11. Paragraph 19 read: "The Committee strongly recommends that the Government take concrete and appropriate measures to outlaw and combat all organizations and political groups that promote racist and/or nationalistic ideas or objectives." He proposed that the end of the paragraph should be amended to read: "... all political groups and nationalist organizations associated with racist objectives or ideas."

23. Mr. de GOUTTES also considered that the Committee should not imply that it opposed all nationalist ideas of any kind whatsoever. He therefore proposed that the word "nationalistic" should be deleted or replaced by "ultranationalist".

24. Mr. DIACONU said that the paragraph concerned the implementation of article 4 of the Convention, which dealt with acts of discrimination and incitement to racial hatred. He therefore proposed that all references to nationalism should be deleted and that the end of the paragraph should read: "... all political parties and organizations and their respective activities that seek to promote racist ideas and objectives, in violation of article 4 of the Convention."

25. Mr. WOLFRUM said that he was prepared, albeit reluctantly, to accept the deletion of any reference to nationalism.

26. Mr. CHIGOVERA supported Mr. Diaconu's proposal, since, in his opinion, nationalism was not always associated with racism.

27. Following an exchange of views between Mr. van BOVEN, Mr. YUTZIS, Mr. GARVALOV, Mr. DIACONU and Mr. WOLFRUM, the CHAIRMAN read out the following proposed new wording for paragraph 19: "The Committee strongly recommends that the Government takes concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promote racist ideas or objectives, as referred to in article 4."

28. Paragraph 19, as amended, was adopted.

Paragraphs 20 and 21

29. Paragraphs 20 and 21 were adopted.

Paragraph 22

30. Paragraph 22 was adopted with minor drafting changes.

Paragraph 23

31. Paragraph 23 was adopted.

Paragraph 24

32. Paragraph 24, as amended by Mr. de Gouttes, was adopted.

Paragraphs 25 and 26

33. Paragraphs 25 and 26 were adopted.

Paragraph 27

34. Paragraph 27, as amended by Mr. van Boven, was adopted.

35. The draft concluding observations concerning the Russian Federation as a whole, as orally amended, were adopted.

Draft concluding observations of the Committee concerning Hungary (Rev.2) (document distributed at the meeting in English only)

Paragraph 1

36. Paragraph 1 was adopted.

Paragraph 2

37. Mr. van BOVEN suggested that the third sentence should be deleted in view of the fact that several members of the Committee had been of the opinion that the quality of the dialogue with the Hungarian delegation had not been particularly good; they had notably highlighted a lack of expertise on the part of the delegation.

38. Paragraph 2, as amended, was adopted.

Paragraphs 3-5

39. Paragraphs 3-5 were adopted.

Paragraph 6

40. Mr. GARVALOV thought that it was inappropriate forthwith to describe the Government's policy on minorities as active and preventive, since it was a relatively new policy; it would be more appropriate to delete the two terms.

41. Mr. de GOUTTES pointed out that the English term "self-government" had a political connotation; he was not clear how it could be translated into French.

42. Mr. DIACONU proposed, in order to simplify matters, that paragraph 6 should end after the words "cultural autonomy".

43. Paragraph 6, was adopted with the amendments proposed by Mr. Garvalov and Mr. Diaconu.

Paragraph 7

44. Mr. GARVALOV said he hoped it would be specified that the assimilation process of minorities referred to belonged to the past.

45. The CHAIRMAN proposed new wording which would remedy the problem and would also be more comprehensible.

46. Paragraph 7, as orally amended, was adopted.

Paragraph 8

47. Mr. SHERIFIS having pointed out that the last sentence of paragraph 8 posed a number of drafting problems, Mr. de GOUTTES suggested that it should be deleted.

48. Paragraph 8, as amended, was adopted.

Paragraph 9

49. Paragraph 9 was adopted.

Paragraph 10

50. Paragraph 10 was adopted with two minor drafting changes.

Paragraph 11

51. Mr. WOLFRUM said that he did not understand why that paragraph in particular referred to neo-nazi skinheads when there were other racist skinhead groups who were no less violent.

52. Mr. de GOUTTES proposed that a reference should be made to "actes de violence commis par des néo-nazis, skinheads et autres" (acts of violence committed by neo-nazis, skinheads and others).

53. Paragraph 11, as orally amended, was adopted.

Paragraph 12

54. Paragraph 12 was adopted with one drafting change.

Paragraph 13

55. Mr. GARVALOV said that he would like it to be specified which provisions of article 4 of the Convention, in the opinion of the Committee, the Government had not implemented to the full.

56. Mr. van BOVEN suggested in that regard that a reference should be made to article 4 (a) and (b) and also proposed that the attention of the State party should be drawn to the Committee's General Recommendation XV.

57. Paragraph 13 was adopted with the two additions mentioned by Mr. van Boven.

Paragraph 14

58. Paragraph 14 was adopted with three minor drafting changes.

Paragraph 15

59. The CHAIRMAN proposed that new and clearer wording should be adopted for the paragraph.

60. Mr. CHIGOVERA said that he would prefer the paragraph to refer to an ethnic group being "recognized" as a minority rather than "accepted" as a minority.

61. Paragraph 15 was adopted with the amendments proposed by the Chairman and Mr. Chigovera.

Paragraph 16

62. Mr. SHERIFIS proposed some drafting changes while the CHAIRMAN, speaking as a member of the Committee, proposed that the last word ("noted") should be replaced by "regretted".

63. Paragraph 16, as orally amended, was adopted.

Paragraph 17

64. Mr. CHIGOVERA said that he would prefer a reference to the "status" rather than to the "place" of the Convention in Hungarian law.

65. Paragraph 17, as orally amended, was adopted.

Paragraph 18

66. Mr. YUTZIS proposed that a reference should be made to neo-nazi and other skinheads in order to bring the wording of the paragraph into line with the new wording of paragraph 11.

67. Paragraph 18, as amended, was adopted.

Paragraph 19

68. Paragraph 19 was adopted.

Paragraph 20

69. Mr. GARVALOV expressed the wish that political and civil rights of the Gypsies should be mentioned in addition to their economic and social rights, since the Committee had manifested concern in that regard during its consideration of the report of Hungary.

70. Paragraph 20 was adopted with the amendment proposed by Mr. Garvalov and a number of drafting changes.

Paragraph 21

71. Paragraph 21 was adopted with three minor drafting changes proposed by the Chairman as a member of the Committee.

Paragraph 22

72. The CHAIRMAN proposed that paragraph 22 should be placed immediately after paragraph 18.

73. It was so decided.

74. Paragraph 22 was adopted.

75. Mr. de GOUTTES proposed the addition of a new paragraph, following paragraph 21, to read: "The Committee recommends that Hungary's next report should contain detailed information on complaints and sentences in respect of acts of racial or ethnic discrimination."

76. The new paragraph proposed by Mr. de Gouttes was adopted.

77. Mr. SHERIFIS in turn proposed that a new paragraph should then follow on concerning the dissemination of the provisions of the Convention and means of informing the population about the remedies available under article 14 of the Convention.

78. Mr. van BOVEN further suggested the inclusion of a sentence concerning the dissemination of the report and the Committee's concluding observations.

79. The CHAIRMAN said that the new paragraph would read:

> "The Committee suggests that the Government continue its action to publicize the provision of the Convention. The public should also be better informed on the remedies available under article 14 of the Convention. The State party should also ensure the wide dissemination of its report and these concluding observations."

80. The new paragraph, as drafted, was adopted.

Paragraphs 23 and 24

81. Paragraphs 23 and 24 were adopted.

82. The draft concluding observations concerning Hungary as a whole, as orally amended, were adopted.

Draft concluding observations of the Committee concerning Finland (Rev.1) (document distributed at the meeting in English only)

Paragraph 1

83. Paragraph 1 was adopted.

Paragraph 2

84. Paragraph 2 was adopted, subject to drafting changes.

Paragraph 3

85. Mr. DIACONU expressed surprise at the assertion in the last sentence of the paragraph that implementation of the Convention might be threatened by decentralization policies. Many decentralized countries were implementing the Convention or preparing to do so.

86. Mr. WOLFRUM added that the Committee had often reminded federal States that they were subject to the same obligations as centralized States. The last sentence of the paragraph would mean that the Committee would be contradicting itself. It also suggested that decentralized States had more difficulties than other States in implementing the Convention, when the reverse was often the case.

87. Mr. RECHETOV commented that if immigrants from the former Soviet Union caused Finland problems - of which the representative of Finland had made no mention - such problems were to be found in the areas of crime and drug trafficking and not in connection with racial discrimination. He added that the third sentence of the paragraph should be deleted since it did not reflect the Committee's discussions. Furthermore, the word "collapse" did not seem appropriate to him, since the USSR had not really collapsed. If the sentence was kept, it should be replaced by a new version.

88. Mr. YUTZIS reminded the Committee that it was the Finnish Government itself in its report which had evoked the dangers of decentralization for the Saami people. The Committee was therefore quite justified in evoking them itself.

89. Mr. GARVALOV proposed that, if the Committee kept the reference to decentralization policies, it should be clearly stated that the Committee was only following the Finnish Government itself.

90. The CHAIRMAN proposed that the last sentence should read: "As observed by the Government, implementation of the Convention may also be made more difficult by decentralization policies."

91. Mr. DIACONU proposed that, in order to emphasize that decentralization was not necessarily an obstacle to the implementation of the Convention, the words "in some areas" should be inserted after "more difficult".

92. Mr. YUTZIS said he was not very favourable to the deletion of the third sentence of the paragr ph. What had happened in the USSR had had considerable direct and indirect consequences, both for the country and for the rest of the world. That did not constitute an attack on the USSR or the Russian Federation but a reflection of realities which words could not change.

93. Mr. GARVALOV commented that, purely on the basis of the relevant paragraphs of the report of Finland (paras. 26-28), the third sentence of the paragraph was out of place in the concluding observations.

94. Mr. RECHETOV said that he had no wish to carry the argument any further. However, he would recall that, while the dissolution of the former USSR had played a role in the increase in unemployment in Finland, no ethnic factor had been involved.

95. The CHAIRMAN proposed that the Committee should delete the third sentence of the paragraph, accept the wording he had suggested for the last sentence and Mr. Diaconu's amendment to it and adopt the paragraph.

96. Paragraph 3, as amended, was adopted.

Paragraphs 4 and 5

97. Paragraphs 4 and 5 were adopted.

Paragraphs 6 and 7

98. Paragraphs 6 and 7 were adopted, subject to drafting changes.

Paragraph 8

99. Mr. DIACONU said that it would be advisable to delete the adjective "nationalistic", which seemed to him to be dangerous.

100. Mr. WOLFRUM said that the last sentence of the paragraph, concerning a violation of article 4 of the Convention, would be better transferred to the start of the following paragraph.

101. Mr. YUTZIS said that he could see no reason to delete "nationalistic", since examples of the link between nationalistic rhetoric and racist propaganda, which was precisely what the Committee must combat, could be found in Finland itself.

102. Mr. DIACONU feared that if the Committee kept the reference to nationalism it would be expressing concern at all nationalist parties. However, such parties did not necessarily devote themselves to racist and xenophobic activities. It would be better if the Committee stated in that paragraph that the existence of publications, organizations and political parties inciting racist and xenophobic activities was a matter for serious concern.

103. Mr. YUTZIS recalled that, during its consideration of the report of Finland, the Committee had had proof of the existence of nationalistic publications - and publications they were - which constituted an incitement to xenophobia.

104. The CHAIRMAN proposed that paragraph 8 should begin with the first sentence of paragraph 9, reading: "Concern is expressed that article 4 of the Convention has not yet been fully implemented by the Finnish authorities"; and that the second sentence should be replaced by the following: "The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry." Paragraph 9 would begin with the words "Proposed reforms ...".

105. Paragraph 8, as amended, was adopted.

The meeting rose at 12.45 p.m.